HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 22518 of 1998

Dated 13th March, 2007

Between

Nalam Anja Raja Laxmana Kumar

…Petitioner

and

Commissioner of Endowments, AP, Tilak Road,
Hyderabad, and, ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 22518 of 1998

ORDER:

In this Writ Petition, the petitioner has questioned the order passed by the Deputy Commissioner of Endowments Department, Kakinada, East Godavari District in proceedings Rc.No. B4/8640/98 E.Os.Estt, dated 16-5-1998, in which, instructions were issued to the Executive Officer of Sri Bhimeswaraswamy Temple to take charge of the accounts and records of Sri Malleswara Swamy Temple.

It is the case of the petitioner that his grand-father was the founder member of Sri Malleswaraswamy Temple, Kakinada and the said temple was founded in an extent of 200 square yards in the year 1916 and, as such, they are managing the said temple as hereditary trustee.

In the counter affidavit filed on behalf of the respondents, it is stated that there is no declaration by the competent authority under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 that he is the member of the founder's family. It is stated that Sri Malleswaraswamy temple is situated in the premises of Sri Bhemeswaraswamy Temple and is having assets in the shape of fixed deposits and landed properties. Further, it is stated that the impugned order is passed consequent to the orders passed by the Commissioner, Endowments Department, in exercise of powers under Section 8 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987.

Though it is the case of the petitioner that he is the member of founder family of the subject temple, but, unless there is a declaration by the competent authority under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987, the petitioner, on his own, cannot act as member of the founder family of the said temple. In any event, the impugned order is passed consequent to the order dated 2-5-1998 passed by the Commissioner, Endowments Department, who is the competent authority for appointment of Executive Officer. The said order is not under challenge. In that view of the matter, I do not find any illegality in the order dated 16-5-1998 passed by the Deputy Commissioner, Endowments Department, in which, instructions are issued to take charge of the accounts and records of the subject temple.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 13-3-2007.
Msnr.